

SENATE BILL 1396

By Stevens

AN ACT to amend Chapter 133 of the Private Acts of 1994; as amended by Chapter 8 of the Private Acts of 1997 and Chapter 92 of the Private Acts of 2008; and any other acts amendatory thereto, relative to the Charter of the Town of Rutherford.

WHEREAS, the Town of Rutherford, Tennessee, wishes to shorten the period of time between the municipal election and the date for the beginning of terms of municipal office; synchronize the term of the Vice Mayor with the term of the Mayor, amend the Town Recorder's duties by deleting mandatory oversight of the Town cemetery, and to correct various typographical errors in the Section 43 of the Town Charter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 133 of the Private Acts of 1994; as amended by Chapter 8 of the Private Acts of 1997 and Chapter 92 of the Private Acts of 2008; and any other acts amendatory thereto, is amended by deleting Section 5 in its entirety and by substituting instead the following new Section 5:

Municipal Elections

SECTION 5. The Board of Mayor and Aldermen shall consist of a Mayor and five (5) Aldermen. Beginning with the municipal election scheduled for November 4, 2008, the Mayor and each Alderman shall be elected to a four-year term of office. The Mayor and Aldermen shall be elected at large. The candidate for Mayor receiving the largest number of votes in the municipal election shall be declared elected and the five (5) candidates receiving the largest number of votes for Alderman in the municipal election shall be declared elected. In case of a tie vote for Mayor or for an Alderman position, the incumbent Board of Mayor and Aldermen shall decide which of the candidates shall serve.

After the November 4, 2008 election, municipal elections shall be held quadrennially, concurrent with the federal and state elections in November. All municipal elections shall be non-partisan.

Beginning with the municipal election scheduled for November 3, 2020, terms of office for the Mayor and Aldermen shall begin upon their swearing in at the first regularly scheduled meeting of the Board of Mayor and Aldermen immediately following the municipal election.

To be eligible for and to hold the office of Mayor or Alderman, a person must be a citizen of the State of Tennessee and the Town of Rutherford for at least one (1) year immediately preceding the day of the municipal election in which they are seeking office.

SECTION 2. Chapter 133 of the Private Acts of 1994 and any other acts amendatory thereto, is amended by deleting Section 9 in its entirety and by substituting instead the following new Section 9:

Vice-Mayor

SECTION 9. There shall be a Vice-Mayor who shall be selected at the first regularly scheduled meeting of the Board of Mayor and Aldermen immediately following each municipal election. The Vice-Mayor shall be selected by the Board from among their number and the compensation, if any, shall be fixed by the Board. The term of the Vice-Mayor shall be for a period of four (4) years, concurrent with the term of the Mayor.

The Vice-Mayor shall perform the duties of the Mayor during the Mayor's temporary absences or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall complete the unexpired term of office. If the Vice-Mayor is to complete the unexpired term of the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in this Charter. The Board shall select another of their number to complete the unexpired term of the office of Vice-Mayor.

SECTION 3. Chapter 133 of the Private Acts of 1994 and any other acts amendatory thereto, is amended by deleting Section 15 in its entirety and by substituting instead the following new Section 15:

Town Recorder

SECTION 15. The Board shall appoint a Town Recorder.

The Recorder shall keep and preserve the Town seal and all official records not required by law or ordinance to be filed elsewhere; shall attend all meetings of the Board and maintain a journal showing the proceedings of all such meetings, the Board members present and absent; each motion considered, the title of each Resolution and Ordinance considered and the votes of each Board member on each question; and prepare and certify copies of official records. The Recorder shall maintain the Rutherford Municipal Code in a current and usable manner and shall furnish the Mayor and each Alderman with a copy of the code upon assuming office for use during the term of office.

The Recorder shall act as a Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they were collected.

The Recorder shall serve as Treasurer and as such shall receive and safely keep all funds of the Town and shall pay out the same upon checks signed by the recorder and the Mayor.

SECTION 4. Chapter 133 of the Private Acts of 1994 and any other acts amendatory thereto, is amended by deleting Section 19 in its entirety and by renumbering the subsequent Sections as follows:

Section 19	Personnel Rules
Section 20	Oath of Office
Section 21	Bonds
Section 22	Political Activity
Section 23	Prohibited Acts
Section 24	Fiscal Year

Section 25	Annual Budget
Section 26	Public Hearing on Budget
Section 27	Adoption of Budget
Section 28	Control of Expenditures
Section 29	Unauthorized Contracts or Expenditures
Section 30	Sale of Property
Section 31	Bonds on Contracts
Section 32	Property Taxes
Section 33	Omitted Property
Section 34	Tax Levy
Section 35	Tax Due Dates and Tax Bills
Section 36	Collection of Delinquent Taxes
Section 37	County May Collect Taxes
Section 38	Taxes Not To Be Excused
Section 39	Disbursement by Check
Section 40	Official Depository
Section 41	Cooperative Agreements and Contracts
Section 42	Other General Laws
Section 43	Penalties
Section 44	Ordinances to Continue in Effect
Section 45	Repeal of Former Acts
Section 46	Severability
Section 47	Applicability
Section 48	Effective Date

SECTION 5. Chapter 133 of the Private Acts of 1994 and any other acts amendatory thereto, is amended by deleting the existing Section 22 entitled Bonds in its entirety and by substituting instead the following language to be renumbered as Section 21:

Bonds

SECTION 21. The Recorder and every officer, agent, employee, and committee member of the Town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers, agents, employees, or committee members designated by the Board shall give a fidelity bond or faithful performance bond, as determined by the Board with a surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to the approval of the Board, and the cost of such bonds shall be paid by the Town.

SECTION 6. Chapter 133 of the Private Acts of 1994 and any other acts amendatory thereto, is amended by deleting the existing Section 43 entitled Other General Laws in its entirety and by substituting instead the following language to be renumbered as Section 42:

Other General Laws

SECTION 42. Notwithstanding any provisions of this Charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the State, instead of or in addition to the provisions of this Charter.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Rutherford. Its approval or nonapproval shall be proclaimed by the presiding officer of Town of Rutherford and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.